

Serial No. 10/591,916

Amendment Dated: November 30, 2009
Reply to Office Action Mailed: July 28, 2009
Attorney Docket No. 080306.58151US

REMARKS

Claim 1 has been amended. Claims 1-4 are pending in the application. Reexamination and reconsideration are respectfully requested.

In the Office Action, claim 1 was rejected under 35 U.S.C. § 103(a) as being obvious over Ueda (JP 11-268656 A) in view of JP 63-107135. In view of the amendments made to claim 1 and the following remarks, Applicants respectfully traverse this rejection.

Applicants have amended claim 1 to clarify the location of the second forward/reverse control system. In particular, Applicants recite a forward/reverse control system for a work machine, the system being provided with a front attachment control lever, a first forward/reverse control means and a second forward/reverse control means for instructing forward, reverse or neutral of the work machine. A switching instruction means instructs a switch from a first control state in which forward/reverse switching control is performed by the first forward/reverse control means to a second control state in which forward/reverse switching control is performed by the second forward/reverse control means. A control means is provided for controlling the work machine in accordance with an instruction by the first forward/reverse control means, an instruction by the second forward/reverse control means, or an instruction by the switching control means.

The system is provided with a cancellation instructing means for instructing a cancel of the second control state. In particular, the second forward/reverse control means is disposed in the vicinity of but not on the control lever. And, the control means is set such that in accordance with an instruction of a cancel by the cancellation instructing means, the second control state is canceled to return to the first control state.

Support for the amendments made with respect to claim 1 can be found, for example, from the embodiment shown in Figure 5. The second forward/reverse control means 40 is disposed on a top wall of console 27 in the vicinity of the front attachment control lever 25, which front attachment control lever 25 controls the front attachment of the work machine (see, for example, page 31, line 22 – page 32, line 25).

In accordance with Applicants' claimed invention, the forward/reverse control system for the work machine makes it possible to avoid any unintended travel of the work machine that might otherwise take place due to careless or accidental operation of the F-N-R control member.

In contrast, neither JP '656 nor JP '135 describe or disclose Applicants' claimed configuration. Indeed, JP '656 discloses an attachment control lever 22/27 that includes F-N-R control switches in it. Accordingly, JP '656 does not disclose or suggest the configuration of a second forward/reverse control means disposed in the vicinity of but not on the front attachment control lever.

Serial No. 10/591,916

Amendment Dated: November 30, 2009
Reply to Office Action Mailed: July 28, 2009
Attorney Docket No. 080306.58151US

Therefore, JP '656 cannot obtain the same advantageous effects of the present invention wherein it is possible to avoid any travel not intended by the operator which would otherwise take place by a careless or accidental operation of the F- N -R control member. In that regard, this feature is likewise not disclosed or suggested by any of the prior art of record, including JP '135.

In view of the foregoing, Applicants respectfully submit amended claim 1 is now patentable over the art of record. Further, claims 2-4 depend from claim 1 and are also submitted to be patentable thereover.

In view of the foregoing, Applicants' respectfully submit claims 1-4 are now in condition for allowance. An early notice to that effect is solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

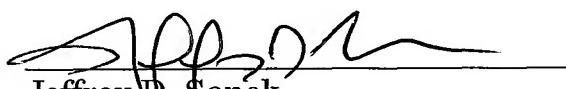
Serial No. 10/591,916

Amendment Dated: November 30, 2009
Reply to Office Action Mailed: July 28, 2009
Attorney Docket No. 080306.58151US

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 080306.58151US).

Respectfully submitted,

November 30, 2009



Jeffrey D. Sanok
Registration No. 32,169

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
JDS:njr
dn#9786872_1